

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

Justin Strauss, individually, as surviving child of
Edward Strauss

Civil Docket Number:

Donald Smith, individually, as surviving sibling of
Gary Smith

Rhea Shome, individually, as surviving spouse of
Mukul Kumar Agarwala

Suzanne Ledee Garcia, individually, as surviving
sibling of Kenneth Charles Ledee

Brian Weaver and Michael Weaver, as co-Personal
Representatives of the Estate of Joan Weaver,
deceased, the late parent of Walter Weaver

Brian Weaver as the Personal Representative of the
Estate of Walter Weaver, deceased, and on behalf of
all survivors and all legally entitled beneficiaries and
family members of Walter Weaver

Michael Weaver, individually, as surviving sibling of
Walter Weaver

Brian Weaver and Michael Weaver, as co-Personal
Representatives of the Estate of William Weaver,
deceased, the late parent of Walter Weaver

Paul Britton as the Personal Representative of the
Estate of Marion Britton, deceased, and on behalf of
all survivors and all legally entitled beneficiaries and
family members of Marion Britton

Paul Britton, individually, as surviving sibling of
Marion Britton

IRAN SHORT FORM
COMPLAINT AND DEMAND
FOR TRIAL BY JURY

Paulina Cardona as the Personal Representative of the Estate of Jose Cardona, deceased, and on behalf of all survivors and all legally entitled beneficiaries and family members of Jose Cardona

Paulina Cardona, individually, as surviving spouse of Jose Cardona

Joshua Cardona, individually, as surviving child of Jose Cardona

Kelly Weightman Diaz-Piedra as the Personal Representative of the Estate of Michael Diaz-Piedra, deceased, and on behalf of all survivors and all legally entitled beneficiaries and family members of Michael Diaz-Piedra

Kelly Weightman Diaz-Piedra, individually, as surviving spouse of Michael Diaz-Piedra

Michael Diaz-Piedra, individually, as surviving child of Michael Diaz-Piedra

Thomas Diaz-Piedra, individually, as surviving child of Michael Diaz-Piedra

Monique Somervell, individually, as surviving child of Michael Diaz-Piedra

Aaron Antigua, individually, as surviving child of Lorraine Antigua

Caitlin Antigua, individually, as surviving child of Lorraine Antigua

Claudie Nash, individually, as surviving sibling of Diane Hale-McKinzy

Emmet Clyde Jeffries, individually, as surviving sibling of Alva Jeffries Sanchez

Neanta McCants as the Personal Representative of the Estate of Trisha McCants, deceased, the late child of Judy Rowlett

JoAnne Romano, individually, as surviving sibling of William Spitz

John Doe 133 being intended to designate the Personal Representative of the Estate of Edward Strauss, deceased, said name being fictitious, her/his true name is not presently known, confirmed, and/or has not been duly appointed by a court of competent jurisdiction (or having been so appointed, his or her appointment has expired, and/or he or she has ceased to serve, and his or her successor has not yet been appointed) and on behalf of all survivors and all legally entitled beneficiaries and family members of Edward Strauss

Valerie Caufield, individually, as surviving spouse of Robert Caufield

Jacqueline Statz, individually, as surviving sibling of Patricia Statz

Anne McCloskey as Personal Representatives of the Estate of Richard McCloskey, deceased, the late parent of Katie McCloskey

John Beug as the Personal Representative of the Estate of Carolyn Beug, deceased, and on behalf of all survivors and all legally entitled beneficiaries and family members of Carolyn Beug

John Beug, individually, as surviving spouse of Carolyn Beug

Lindsey Mayer Beug-Wood, individually, as surviving child of Carolyn Beug

Lauren Paula Mayer-Beug, individually, as surviving child of Carolyn Beug

Nicholas Mayer, individually, as surviving child of Carolyn Beug

Joyce Infante as the Personal Representative of the Estate of Anthony P. Infante, Jr., deceased, and on behalf of all survivors and all legally entitled

beneficiaries and family members of Anthony P. Infante, Jr.

Joyce Infante, individually, as surviving spouse of Anthony P. Infante, Jr.

Marie Costa, individually, as surviving child of Anthony P. Infante, Jr.

John Infante, individually, as surviving child of Anthony P. Infante, Jr.

Andrew Infante, individually, as surviving sibling of Anthony P. Infante, Jr.

Fred Infante, individually, as surviving sibling of Anthony P. Infante, Jr.

Fred Infante as Personal Representative of the Estate of Elizabeth Infante, deceased, the late parent of Anthony P. Infante, Jr.

Fred Infante as Personal Representative of the Estate of Anthony P. Infante, Sr., deceased, the late parent of Anthony P. Infante, Jr.

Shewely Miah, individually, as surviving sibling of Nurul Miah

Nurunnahar Miah, individually, as surviving parent of Nurul Miah

John Doe 134 being intended to designate the Personal Representative of the Estate of Mukul Kumar Agarwala, deceased, said name being fictitious, her/his true name is not presently known, confirmed, and/or has not been duly appointed by a court of competent jurisdiction (or having been so appointed, his or her appointment has expired, and/or he or she has ceased to serve, and his or her successor has not yet been appointed) and on behalf of all survivors and all legally entitled beneficiaries and family members of Mukul Kumar Agarwala

Terrence Young, individually, as surviving sibling of Jacqueline Young

Derrick McKenley, individually, as surviving sibling
of Jacqueline Young

Patricia McCarthy as Personal Representative of the
Estate of Thomas P. McAvinue, deceased, the late
parent of Donna Clarke

Casey Brent, individually, as surviving child of Scott
Powell

Art Powell, individually, as surviving parent of Scott
Powell

Kevin Powell, individually, as surviving sibling of
Scott Powell

Shaun Powell, individually, as surviving sibling of
Scott Powell

Lisa Powell, individually, as surviving sibling of Scott
Powell

Plaintiffs,

-against-

Islamic Republic of Iran,

Defendant.

Plaintiffs named herein by and through the undersigned counsel file this Iran Short Form Complaint against Defendant, the Islamic Republic of Iran (“Iran”), arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of October 28, 2019, ECF No. 5234. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Federal Insurance and Ashton Plaintiffs’ Amended Consolidated Complaint Against Defendant, the Islamic Republic of Iran, ECF No. 3237, or (b) the Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV-9903 (GBD)(SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53.

Upon filing this Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all causes of action contained within that complaint; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

Additionally, each Plaintiff incorporates the factual allegations and findings contained in those pleadings and orders filed at Havlish v. Bin Laden, No. 1:03-CV-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 263, 294, 295; In re Terrorist Attacks on September 11, 2001, 03-MDL-1570 (GBD)(SN) (S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011 (ECF No. 2540).

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction against the Islamic Republic of Iran is premised on the grounds set forth in the complaints specified below, including but not limited to 28 U.S.C. § 1605(a) (tort exception to the Foreign Sovereign Immunities Act), 28 U.S.C. § 1605A (terrorism exception to the Foreign Sovereign Immunities Act), and 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act).

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates by reference all factual allegations, jurisdictional allegations, and jury trial demand, including all causes of action against the Islamic Republic of Iran, as set forth in the following complaint [**check only one complaint**]:

☐ Federal Insurance and Ashton Plaintiffs' Amended Consolidated Complaint Against Defendant, the Islamic Republic of Iran, ECF No. 3237

☒ Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV-9903 (GBD) (SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53

4. In addition, each Plaintiff hereby asserts the following additional causes of action:

☒ Iran Short Form Complaint First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

As a factual basis for this cause of action, Plaintiff(s) allege that the allegations set forth in the complaint noted above, as well as the allegations set forth in the Havlish filings noted above, establish that, as set forth herein, the injuries they suffered arose from the September 11, 2001 Terrorist Attacks; Defendant's role in the September 11, 2001 Terrorist Attacks constituted acts of international terrorism that violated state and federal laws pursuant to 18 U.S.C. § 2331; that the September 11, 2001 Terrorist Attacks constituted acts of international terrorism committed, planned or authorized by an organization that had been designated as a foreign terrorist organization under 8 U.S.C. § 1189; that the September 11, 2001 Terrorist Attacks violated state and federal laws pursuant to 18 U.S.C. § 2331; and that Defendant aided and abetted, by knowingly providing substantial assistance, with others and/or conspired with others who committed an act or acts of international terrorism in violation of 18 U.S.C. § 2333 *et seq.*

☐ Iran Short Form Complaint First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

As a factual basis for this cause of action, Plaintiff(s) allege that the allegations set forth in the complaint noted above, as well as the allegations set forth in the Havlish filings noted above, establish that, as set forth herein, the injuries they suffered arose from the September 11, 2001 Terrorist Attacks; Defendant's role in the September 11, 2001 Terrorist Attacks constituted acts of international terrorism that violated state and federal laws pursuant to 18 U.S.C. § 2331; that the September 11, 2001 Terrorist Attacks constituted acts of international terrorism committed, planned or authorized by an organization that had been designated as a foreign terrorist organization under 8 U.S.C. § 1189; that the September 11, 2001 Terrorist Attacks violated state and federal laws pursuant to 18 U.S.C. § 2331; and that Defendant aided and abetted, by knowingly providing substantial assistance, with others and/or conspired with others who committed an act or acts of international terrorism in violation of 18 U.S.C. § 2333 *et seq.*

IDENTIFICATION OF NEW PLAINTIFFS

5. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Iran Short Form Complaint, herein referred to as “Plaintiffs.”

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Iran Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in the complaint identified above, as joined by this Iran Short Form Complaint, and as further asserted within this Iran Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant’s actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Iran Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

6. The only Defendant named in this Iran Short Form Complaint is the Islamic Republic of Iran.

NO WAIVER OF OTHER CLAIMS

7. By filing this Iran Short Form Complaint, Plaintiffs are not waiving any right to file suit against any other potential defendants or parties.

8. By filing this Iran Short Form Complaint, Plaintiffs are not opting out of any class that the Court may certify in the future.

JURY DEMAND

9. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Iran Short Form Complaint as appropriate.

Dated: December 22, 2022

Respectfully submitted,

/s/ Jerry S. Goldman

Jerry S. Goldman, Esq.

Bruce Strong, Esq.

Alexander Greene, Esq.

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APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Iran Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Iran Short Form Complaint, Allegation 2 of Appendix 1 to the Iran Short Form Complaint, etc.

	Plaintiff's Name	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/01	9/11 Victim's Full Name	Plaintiff's Relationship to 9/11 Victim¹	9/11 Victim's Citizenship/ Nationality on 9/11/01	Nature of Claim (wrongful death, solatium, personal injury)²
1.	Justin Strauss	NJ	United States	Edward Strauss	Child	United States	Solatium
2.	Donald Smith	VA	United States	Gary Smith	Sibling	United States	Solatium
3.	Rhea Shome	NJ	United States	Mukul Kumar Agarwala	Spouse	United States	Solatium
4.	Suzanne Ledee Garcia	NY	United States	Kenneth Charles Ledee	Sibling	United States	Solatium
5.	Brian Weaver and Michael Weaver, as co-Personal Representatives of the Estate of Joan Weaver	FL	United States	Walter Weaver	Parent (Deceased)	United States	Solatium
6.	Brian Weaver	FL	United States	Walter Weaver	PR	United States	Solatium/ Wrongful Death
7.	Michael Weaver	NY	United States	Walter Weaver	Sibling	United States	Solatium
8.	Brian Weaver and Michael Weaver and Co-Personal Representatives of the Estate of William Weaver	NY	United States	Walter Weaver	Parent (Deceased)	United States	Solatium
9.	Paul Britton	NY	United States	Marion Britton	PR	United States	Solatium/ Wrongful Death

¹ For those identified as "PR," such claim is made as the Personal Representative of the 9/11 Victim's Estate and on behalf of all survivors and all legally entitled beneficiaries and family members of such 9/11 Victim as noted in the case caption.

² The PRs identified below are bringing solatium claims on behalf of all survivors and all legally entitled beneficiaries and family members of such 9/11 Victim as noted in the case caption.

	Plaintiff's Name	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/01	9/11 Victim's Full Name	Plaintiff's Relationship to 9/11 Victim¹	9/11 Victim's Citizenship/ Nationality on 9/11/01	Nature of Claim (wrongful death, solatium, personal injury)²
10.	Paul Britton	NY	United States	Marion Britton	Sibling	United States	Solatium
11.	Paulina Cardona	NY	United States	Jose Cardona	PR	United States	Solatium/ Wrongful Death
12.	Paulina Cardona	FL	United States	Jose Cardona	Spouse	United States	Solatium
13.	Joshua Cardona	FL	United States	Jose Cardona	Child	United States	Solatium
14.	Kelly Weightman Diaz-Piedra	NJ	United States	Michael Diaz-Piedra	PR	United States	Solatium/ Wrongful Death
15.	Kelly Weightman Diaz-Piedra	NJ	United States	Michael Diaz-Piedra	Spouse	United States	Solatium
16.	Michael Diaz-Piedra	NJ	United States	Michael Diaz-Piedra	Child	United States	Solatium
17.	Thomas Diaz-Piedra	NJ	United States	Michael Diaz-Piedra	Child	United States	Solatium
18.	Monique Somervell	GA	United States	Michael Diaz-Piedra	Child	United States	Solatium
19.	Aaron Antigua	NJ	United States	Lorraine Antigua	Child	United States	Solatium
20.	Caitlin Antigua	NJ	United States	Lorraine Antigua	Child	United States	Solatium
21.	Claudie Nash	GA	United States	Diane Hale-McKinzy	Sibling	United States	Solatium
22.	Emmet Clyde Jeffries	CA	United States	Alva Jeffries Sanchez	Sibling	United States	Solatium
23.	Neanta McCants as the Personal Representative of the Estate of Trisha McCants	MD	United States	Judy Rowlett	Child (Deceased)	United States	Solatium
24.	JoAnne Romano	NJ	United States	William Spitz	Sibling	United States	Solatium
25.	John Doe 133	NJ	United States	Edward Strauss	PR	United States	Solatium/ Wrongful Death
26.	Valerie Caufield	FL	United States	Robert Caufield	Spouse	United States	Solatium
27.	Jacqueline Statz	WI	United States	Patricia Statz	Sibling	United States	Solatium
28.	Anne McCloskey as Personal Representatives of the Estate of Richard McCloskey	IN	United States	Katie McCloskey	Parent (Deceased)	United States	Solatium
29.	John Beug	CA	United States	Carolyn Beug	PR	United States	Solatium/ Wrongful Death
30.	John Beug	CA	United States	Carolyn Beug	Spouse	United States	Solatium
31.	Lindsey Mayer Beug-Wood	CA	United States	Carolyn Beug	Child	United States	Solatium
32.	Lauren Paula Mayer-Beug	CA	United States	Carolyn Beug	Child	United States	Solatium

	Plaintiff's Name	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/01	9/11 Victim's Full Name	Plaintiff's Relationship to 9/11 Victim¹	9/11 Victim's Citizenship/ Nationality on 9/11/01	Nature of Claim (wrongful death, solatium, personal injury)²
33.	Nicholas Mayer	CA	United States	Carolyn Beug	Child	United States	Solatium
34.	Joyce Infante	NJ	United States	Anthony P. Infante, Jr.	PR	United States	Solatium/ Wrongful Death
35.	Joyce Infante	NJ	United States	Anthony P. Infante, Jr.	Spouse	United States	Solatium
36.	Marie Costa	NJ	United States	Anthony P. Infante, Jr.	Child	United States	Solatium
37.	John Infante	NJ	United States	Anthony P. Infante, Jr.	Child	United States	Solatium
38.	Andrew Infante	NJ	United States	Anthony P. Infante, Jr.	Sibling	United States	Solatium
39.	Fred Infante	NJ	United States	Anthony P. Infante, Jr.	Sibling	United States	Solatium
40.	Fred Infante as Personal Representative of the Estate of Elizabeth Infante	NJ	United States	Anthony P. Infante, Jr.	Parent (Deceased)	United States	Solatium
41.	Fred Infante as Personal Representative of the Estate of Anthony P. Infante, Sr.	NJ	United States	Anthony P. Infante, Jr.	Parent (Deceased)	United States	Solatium
42.	Shewely Miah	NY	TBD	Nurul Miah	Sibling	Bangladesh	Solatium
43.	Nurunnahar Miah	NY	TBD	Nurul Miah	Parent	Bangladesh	Solatium
44.	John Doe 134	NJ	United States	Mukul Kumar Agarwala	PR	United States	Solatium/ Wrongful Death
45.	Terrence Young	SC	United States	Jacqueline Young	Sibling	United States	Solatium
46.	Derrick McKenley	SC	United States	Jacqueline Young	Sibling	United States	Solatium
47.	Patricia McCarthy as Personal Representative of the Estate of Thomas P. McAvinue,	NY	United States	Donna Clarke	Parent (Deceased)	United States	Solatium
48.	Casey Brent	DC	United States	Scott Powell	Child	United States	Solatium
49.	Art Powell	DC	United States	Scott Powell	Parent	United States	Solatium
50.	Kevin Powell	DC	United States	Scott Powell	Sibling	United States	Solatium
51.	Shaun Powell	DC	United States	Scott Powell	Sibling	United States	Solatium
52.	Lisa Powell	DC	United States	Scott Powell	Sibling	United States	Solatium